

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1508

Introduced by Assembly Member Torrico

February 27, 2009

~~An act relating to school facilities. An act to add Sections 17052.55 and 23655 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1508, as amended, Torrico. ~~School facilities: solar energy. Income and corporation taxes: credit: lending employees to schools.~~

~~The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws.~~

~~This bill would allow a credit under both laws in an amount equal to an unspecified amount of qualified expenses paid or incurred in connection with lending a qualified employee to a public school or vocational institution for the purpose of teaching mathematics or science.~~

~~This bill would take effect immediately as a tax levy.~~

~~Existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act), requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. A school district that applies for funding under the Greene Act is authorized to seek a grant adjustment for increased costs associated with plan design and other project components that seek energy~~

efficiency for the school facility that approaches the ultimate goal of energy self-sufficiency for the school facility.

~~This bill would state the intent of the Legislature to enact legislation that would encourage school districts to include solar energy in their projects for the modernization and new construction of school facilities.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17052.55 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 17052.55. (a) For each taxable year beginning on or after
- 4 January 1, 2010, there shall be allowed as a credit against the
- 5 “net tax,” as defined in Section 17039, an amount equal to ____
- 6 percent of the amount paid or incurred during the taxable year
- 7 for qualified expenses in connection with lending a qualified
- 8 employee to a public school or vocational institution for the
- 9 purpose of teaching mathematics or science.
- 10 (b) For purposes of this section:
- 11 (1) “Qualified expenses” means both of the following:
- 12 (A) Amounts paid or incurred by the taxpayer with respect to
- 13 expenses incurred by or on behalf of a taxpayer’s employee for
- 14 the amount of compensated hours utilized for lending a qualified
- 15 employee to a public school or vocational institution for the
- 16 purpose of teaching mathematics or science.
- 17 (B) Expenses paid or incurred by the taxpayer for the wages of
- 18 a qualified employee, to the extent those wages are allocable to
- 19 teaching.
- 20 (2) “Qualified employee” means an employee whose
- 21 employment specialty includes mathematics or science.
- 22 (3) “Public school” means any high school in this state that is
- 23 a part of a public school district.
- 24 (4) “Mathematics” means instruction designed to develop
- 25 fluency in basic computational skills and an understanding of
- 26 mathematical concepts and mathematical reasoning and problem
- 27 solving, including, but not limited to, number sense, algebraic
- 28 functions, geometry and other measurement functions, statistics,
- 29 data analysis, probability analysis, and quantitative concepts.
- 30 “Mathematics” includes, but is not limited to, courses in algebra

1 *I, algebra II, linear algebra, calculus, geometry, trigonometry,*
2 *mathematical analysis, probability and statistics, and advanced*
3 *probability and statistics.*

4 (5) *“Science” means instruction designed to develop skills and*
5 *procedures for the systematic pursuit of knowledge that includes,*
6 *but is not limited to, problem solving and recognition, the collection*
7 *of data through observation and experiment, and the formulation*
8 *and testing of hypotheses. “Science” includes, but is not limited*
9 *to, courses in biology, life science, physical science, physics,*
10 *chemistry, geoscience, health science, and computer science.*

11 (c) *A credit shall be allowed under this section only if a public*
12 *school issues a service record to the taxpayer certifying receipt of*
13 *the teaching services and compliance with the requirements of*
14 *subdivision (e). That service record shall contain the employee’s*
15 *name, dates of teaching service, number of teaching hours,*
16 *verification of the employee’s eminence credential, or eligibility*
17 *for the issuance thereof, a copy of the school district’s written*
18 *determination that no credentialed teacher was reasonably*
19 *available, and a verification signature from an authorized agent*
20 *or designee of the high school.*

21 (d) *No deduction may be allowed to a taxpayer for that amount*
22 *of expenses for which a credit is allowed to that taxpayer under*
23 *this section.*

24 (e) *No credit may be allowed under this section with respect to*
25 *the lending of a qualified employee to a high school unless all of*
26 *the following apply:*

27 (1) *The employee has been issued, or is eligible for the issuance*
28 *of, an eminence credential pursuant to Section 44262 of the*
29 *Education Code, as certified by the employing school district.*

30 (2) *The employee has filled a vacant teaching position for which*
31 *the school district has determined in writing that no teacher*
32 *possessing a valid credential or authorization to teach mathematics*
33 *or science was reasonably available as certified by the employing*
34 *school district.*

35 (3) *The taxpayer makes charitable donations including, but not*
36 *limited to, classroom materials, resources, equipment, and*
37 *facilities.*

38 (f) *The maximum amount allowable as a credit to the taxpayer*
39 *shall be based on ____ percent of the total amount of charitable*
40 *contributions to the school for that taxable year.*

1 (g) *In the case where the credit allowed by this section exceeds*
2 *the “net tax,” the excess may be carried over to reduce the “net*
3 *tax” in the following year, and the succeeding seven years if*
4 *necessary, until the credit is exhausted.*

5 SEC. 2. *Section 23655 is added to the Revenue and Taxation*
6 *Code, to read:*

7 23655. (a) *For each taxable year beginning on or after*
8 *January 1, 2010, there shall be allowed as a credit against the*
9 *“tax,” as defined in Section 23036, an amount equal to ____*
10 *percent of the amount paid or incurred during the taxable year*
11 *for qualified expenses in connection with lending a qualified*
12 *employee to a public school or vocational institution for the*
13 *purpose of teaching mathematics or science.*

14 (b) *For purposes of this section:*

15 (1) *“Qualified expenses” means both of the following:*

16 (A) *Amounts paid or incurred by the taxpayer with respect to*
17 *expenses incurred by or on behalf of a taxpayer’s employee for*
18 *the amount of compensated hours utilized for lending a qualified*
19 *employee to a public school or vocational institution for the*
20 *purpose of teaching mathematics or science.*

21 (B) *Expenses paid or incurred by the taxpayer for the wages of*
22 *a qualified employee, to the extent those wages are allocable to*
23 *teaching.*

24 (2) *“Qualified employee” means an employee whose*
25 *employment specialty includes mathematics or science.*

26 (3) *“Public school” means any high school in this state that is*
27 *a part of a public school district.*

28 (4) *“Mathematics” means instruction designed to develop*
29 *fluency in basic computational skills and an understanding of*
30 *mathematical concepts and mathematical reasoning and problem*
31 *solving, including, but not limited to, number sense, algebraic*
32 *functions, geometry and other measurement functions, statistics,*
33 *data analysis, probability analysis, and quantitative concepts.*
34 *“Mathematics” includes, but is not limited to, courses in algebra*
35 *I, algebra II, linear algebra, calculus, geometry, trigonometry,*
36 *mathematical analysis, probability and statistics, and advanced*
37 *probability and statistics.*

38 (5) *“Science” means instruction designed to develop skills and*
39 *procedures for the systematic pursuit of knowledge that includes,*
40 *but is not limited to, problem solving and recognition, the collection*

1 of data through observation and experiment, and the formulation
2 and testing of hypotheses. "Science" includes, but is not limited
3 to, courses in biology, life science, physical science, physics,
4 chemistry, geoscience, health science, and computer science.

5 (c) A credit shall be allowed under this section only if a public
6 school issues a service record to the taxpayer certifying receipt of
7 the teaching services and compliance with the requirements of
8 subdivision (e). That service record shall contain the employee's
9 name, dates of teaching service, number of teaching hours,
10 verification of the employee's eminence credential, or eligibility
11 for the issuance thereof, a copy of the school district's written
12 determination that no credentialed teacher was reasonably
13 available, and a verification signature from an authorized agent
14 or designee of the high school.

15 (d) No deduction may be allowed to a taxpayer for that amount
16 of expenses for which a credit is allowed to that taxpayer under
17 this section.

18 (e) No credit may be allowed under this section with respect to
19 the lending of a qualified employee to a high school unless all of
20 the following apply:

21 (1) The employee has been issued, or is eligible for the issuance
22 of, an eminence credential pursuant to Section 44262 of the
23 Education Code, as certified by the employing school district.

24 (2) The employee has filled a vacant teaching position for which
25 the school district has determined in writing that no teacher
26 possessing a valid credential or authorization to teach mathematics
27 or science was reasonably available as certified by the employing
28 school district.

29 (3) The taxpayer makes charitable donations including, but not
30 limited to, classroom materials, resources, equipment, and
31 facilities.

32 (f) The maximum amount allowable as a credit to the taxpayer
33 shall be based on ____ percent of the total amount of charitable
34 contributions to the school for that taxable year.

35 (g) In the case where the credit allowed by this section exceeds
36 the "tax," the excess may be carried over to reduce the "tax" in
37 the following year, and the succeeding seven years if necessary,
38 until the credit is exhausted.

39 SEC. 3. This act provides for a tax levy within the meaning of
40 Article IV of the Constitution and shall go into immediate effect.

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 ~~legislation that would encourage school districts to include solar~~
3 ~~energy in their projects for the modernization and new construction~~
4 ~~of school facilities.~~